



*DAE*  
*2/16*  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : David A. Martin  
FOR : METHOD AND DEVICE FOR  
PREVENTING CHECK FRAUD  
SERIAL NO. : 09/345,202  
FILED : June 30, 1999  
EXAMINER : Patel  
ART UNIT : 3624  
NOTICE OF ALLOWANCE : November 27, 2006  
ATTORNEY DOCKET NO. : 30236.30006

Akron, Ohio 44311-4407  
December 6, 2006

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CERTIFICATE OF MAILING

I hereby certify that this **PETITION UNDER 37 C.F.R. §1.181** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6<sup>th</sup> day of December, 2006.

By: *D. M. Kempthorn*  
D. M. Kempthorn

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**PETITION FOR PATENT TERM EXTENSION**

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Patent and Trademark Office determined that the patent term adjustment for this case was 0 days. The PTO delay was calculated as 0 days and the applicant delay was calculated as 0 days.

The correct patent term extension should be 632 days. Since this application was filed June 30, 1999, it falls within 37 CFR §1.701, which states that, "A patent, other than for designs, issued on an application filed on or after June 8, 1995, is entitled to extension of the patent term if the issuance of the patent was delayed due to: (3) Appellate review by the Board of Patent Appeals and Interferences...if the patent was issued pursuant to a decision in the review reversing an adverse determination of patentability....If an application is remanded by a panel of the Board of Patent Appeals and Interferences and the remand is the last action by a panel of the Board of Patent Appeals and Interferences prior to the mailing of a notice of allowance...the remand shall be considered a decision in the review reversing an adverse determination of patentability...."

On October 20, 2003 an Appeal Brief was filed in this application. After a remand by the Board, a non-final office action was mailed on July 13, 2005. The CFR section states, "The period of delay under paragraph (a)(3) of this section is the sum of the number of days, if any, in the period beginning on the date on which an appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences...." The time involved in this application between October 20, 2003 and July 13, 2005 is 632 days.

Please charge the fee under §1.18(e), and any other necessary fee(s) to Deposit Account

No. 501210.

The Commissioner is hereby authorized to charge any deficiency in the required fee or to credit any overpayment to Deposit Account No. 501210.

Respectfully submitted,

**BROUSE MCDOWELL**

December 6, 2006  
Date



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